



Attorney Docket No. 59671 (70301)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Biedermann, et al.

CONF. NO.: 9870

APPLN SERIAL NO.: 10/647,096

ART UNIT: 3738


FILED: August 21, 2003

EXAMINER: Not yet assigned

FOR: METHOD FOR THE MANUFACTURE OF A TUBULAR SPACE AND SPACER

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class mail addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 26, 2004.

By: 
Helen Murray Tarbi

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. ☒ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in a European Search Report.

b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. ☒ The following additional information is provided for the Examiner's consideration: **Copy of the European Search Report.**

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.

b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

c. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

a. _____ before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

b. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

c. ☒ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e)
(check only one box)

The undersigned hereby certified that

a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, or

b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d)

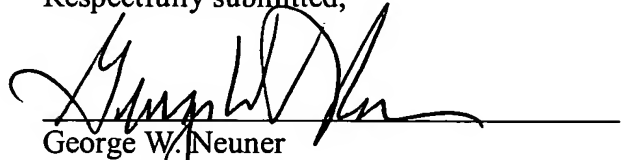
- a. ☐ after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, and the requisite Certification, petition, and petition fee are included herein.
- b. ☐ after the mailing date of a Final Office Action under 37 C.F.R. §1.113
- c. ☐ see certificate above
- c. ☐ a fee in the amount of \$180.00 is required by 37 CFR §1.17(p)
- e. ☐ applicant hereby petitions that this Information Disclosure Statement is considered in accordance with 37 C.F.R. §1.97(d).

☐ Enclosed is a check in the amount of \$180.00 for the above-indicated fee. Should any further fee be associated with the submission of this Information Disclosure Statement, the Commissioner is authorized to charge our Deposit Account No. 04-1105.

X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,


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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	DOCKET NO: 59671 (70301)	SERIAL NO.: 10/647,096
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UNITED STATES PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	3,710,789	1/16/1973	Ersek			
	A2	4,820,305	4/11/1989	Harms et al.			
	A3	5,211,664	5/18/1993	Tepic et al.			
	A4	5,380,328	1/10/1995	Morgan			
	A5	US 2001/0035038 A1	11/1/2001	Ose			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	B1	WO 99/51171	10/14/1999	PCT			Yes
	B2	WO 00/24341	5/4/2000	PCT			Yes
	B3	WO 99/32055	7/1/1999	PCT			Yes
	B4	WO 03/039784	5/15/2003	PCT			Abstract
	B5	WO 02/34168	5/2/2002	PCT			Yes
	B6	WO 02/085552	10/31/2002	PCT			Abstract
	B7	1.527.214	5/31/1968	France			No
	B8	295 01 042.8	5/4/1995	Germany			No
	B9	DE 195 04 867	2/29/1996	DE			No
	B10	0 268 115	5/25/1988	EPO			No
	B11	EP 0 853 931	7/22/1998	EPO			Yes

EXAMINER:

DATE: